

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE BILL 203

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

George J. Hanosh

AN ACT

RELATING TO GAME AND FISH; CREATING A LIABILITY SUSPENSE ACCOUNT; PROVIDING FOR THE REFUND OF HUNTING LICENSE FEES UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR THE TRANSFER OF HUNTING LICENSES UNDER CERTAIN CIRCUMSTANCES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 17-1-14 NMSA 1978 (being Laws 1921, Chapter 35, Section 7, as amended) is amended to read:

"17-1-14. GENERAL POWERS AND DUTIES OF STATE GAME COMMISSION-- GAME PROTECTION FUND-- LIABILITY SUSPENSE ACCOUNT. --

A. The state game commission shall have general control over the collection and disbursement of all money collected or received under the state laws for the protection and propagation of game and fish, which money shall be paid over to the state treasurer to the credit of the game

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1 protection fund, and the fund, including all earned income  
2 [~~therefrom~~], shall not be transferred to another fund. Prior  
3 to depositing money into the game protection fund, the  
4 department of game and fish shall ensure that an amount  
5 adequate to cover the cost of refunds allowed by the provisions  
6 of Chapter 17 NMSA 1978 is held in a liability suspense  
7 account. All refunds shall be made from the liability suspense  
8 account. Money not needed to cover the cost of refunds shall  
9 be deposited in the game protection fund at the end of each  
10 month. Chapter 17 NMSA 1978 shall be guaranty to the person  
11 who pays for hunting and fishing licenses and permits that the  
12 money in that fund shall not be used for any purpose other than  
13 as provided in Chapter 17 NMSA 1978.

14 B. The state game commission shall have authority  
15 to:

16 (1) establish and, through the director of the  
17 department of game and fish, to operate fish hatcheries for the  
18 purpose of stocking public waters of the state and to furnish  
19 fish fry and fingerlings to stock private waters, receipts from  
20 such sources to go into the game protection fund;

21 (2) declare closed seasons in any specified  
22 locality and on any species of game or fish threatened with  
23 undue depletion from any cause;

24 (3) establish game refuges for the purpose of  
25 providing safe sanctuaries in which game may breed and

. 153213. 1

underscored material = new  
[bracketed material] = delete

1 replenish adjacent hunting ranges, it being the purpose of this  
2 provision to establish small refuges rather than large  
3 preserves or to close large areas to hunting;

4 (4) purchase lands for game refuges where  
5 suitable public lands do not exist, to purchase lands for fish  
6 hatcheries and to purchase lands to be maintained perpetually  
7 as public hunting grounds, particularly lands suitable for  
8 waterfowl hunting, all such lands to be paid for from the game  
9 protection fund;

10 (5) receive by gift or bequest, in the name  
11 and on behalf of the state, lands suitable for game refuges,  
12 hunting grounds, fish hatcheries or for any other purpose  
13 necessary to carry out the provisions of Chapter 17 NMSA 1978;

14 (6) apply for and accept any state, federal or  
15 private funds, grants or donations from any source for game and  
16 fish programs and projects;

17 (7) designate certain areas as rest grounds  
18 for migratory birds, in which hunting shall be forbidden at all  
19 times or at such times as the state game commission shall  
20 provide, it being the purpose of this provision not to  
21 interfere unduly with the hunting of waterfowl but to provide  
22 havens in which they can rest and feed without molestation;

23 (8) close any public stream or lake or portion  
24 thereof to fishing when such action is necessary to protect a  
25 recently stocked water, to protect spawning waters or to

. 153213. 1

underscored material = new  
[bracketed material] = delete

1 prevent undue depletion of the fish;

2 (9) propagate, capture, purchase, transport or  
3 sell any species of game or fish needed for restocking any  
4 lands or streams of the state;

5 (10) after reasonable notice and hearing,  
6 suspend or revoke any license or permit issued pursuant to the  
7 provisions of Chapter 17 NMSA 1978 and withhold license  
8 privileges for a definite period not to exceed three years from  
9 any person procuring a license through misrepresentation,  
10 violating any provisions of Chapter 17 NMSA 1978 or hunting  
11 without a proper license;

12 (11) adopt rules establishing procedures that  
13 provide reasonable notice and a hearing before the state game  
14 commission for the suspension, revocation or withholding of  
15 license privileges of a person charged with violating the  
16 provisions of Chapter 17 NMSA 1978, subject to such judicial  
17 review as may be provided by law;

18 (12) conduct studies of programs for the  
19 management of endangered and nongame species of wildlife;

20 (13) establish licenses, permits and  
21 certificates not otherwise provided for in Section 17-3-13 NMSA  
22 1978 and charge and collect just and reasonable fees for them;  
23 provided the fees shall not exceed the costs of administration  
24 associated with the licenses, permits or certificates;

25 (14) permit, regulate or prohibit the

. 153213. 1

underscored material = new  
[bracketed material] = delete

1 commercial taking or capturing of native, free-ranging  
2 amphibians or reptiles not specifically protected by law,  
3 except for rattlesnake roundups, collection of fish bait and  
4 lizard races;

5 (15) adopt rules to control, eradicate or  
6 prevent the spread of a contagious disease, pest or parasite,  
7 including chronic wasting disease, to or among game animals.  
8 The rules shall include provisions for:

9 (a) notification to the department of  
10 game and fish of the diagnosis or suspected presence of a  
11 contagious disease;

12 (b) examination by the state  
13 veterinarian or ~~[his]~~ the state veterinarian's designee of  
14 suspected infected game animals;

15 (c) quarantine, treatment or destruction  
16 of an infected game animal;

17 (d) disinfection and isolation of a  
18 licensed private park where an infected game animal has been;  
19 and

20 (e) indemnification and destruction of a  
21 protected game animal; and

22 (16) as necessary, designate areas of the  
23 state in which bear-proof garbage containers are required on  
24 public and private lands to reduce potential human-bear  
25 interactions.

. 153213. 1

underscored material = new  
[bracketed material] = delete

1           C. The director of the department of game and fish  
2 shall exercise all the powers and duties conferred upon the  
3 state game and fish warden by all previous statutes now in  
4 force not in conflict with Chapter 17 NMSA 1978.

5           D. The state game commission shall have authority  
6 to prohibit all hunting in periods of extreme forest fire  
7 danger, at such times and places as may be necessary to reduce  
8 the danger of destructive forest fires.

9           E. The hunting, pursuing, capturing, killing or  
10 wounding of any game animals, birds or fish in or upon any game  
11 refuge, rest ground or closed water or closed area or during  
12 any closed season established or proclaimed by the state game  
13 commission in accordance with the authority conferred in  
14 Chapter 17 NMSA 1978 constitutes a misdemeanor and shall be  
15 punishable as prescribed in Chapter 17 NMSA 1978. "

16           Section 2. Section 17-3-7 NMSA 1978 (being Laws 1912,  
17 Chapter 85, Section 48, as amended) is amended to read:

18           "17-3-7. BLANK FORMS--LICENSE ISSUED ONLY ON  
19 APPLICATION--FALSE STATEMENT VOIDS LICENSE--RECORDS--  
20 REPORTS--ACCOUNTING FOR FEES COLLECTED--REFUND OF FEES--  
21 TRANSFER OF HUNTING LICENSE. --

22           A. The director of the department of game and fish  
23 shall prescribe and procure the printing of all forms and  
24 blanks that may be required to carry out the intent of Chapter  
25 17 NMSA 1978. All necessary blanks shall be furnished by the

underscored material = new  
[bracketed material] = delete

1 director to the ~~[several]~~ license collectors. No license shall  
2 be issued except as provided in Section 17-3-5 NMSA 1978. Any  
3 false statement in any application shall render the license  
4 issued void.

5 B. ~~[Each]~~ A license collector shall keep a correct  
6 and complete record of ~~[such license]~~ licenses issued, ~~[by him]~~  
7 which record shall remain in ~~[his]~~ the license collector's  
8 office and be open to inspection by the public at all times.

9 C. ~~[Each]~~ A license collector may collect and  
10 retain a vendor fee for each license or permit issued; provided  
11 the fee shall be just and reasonable, as determined by  
12 regulation of the state game commission, and shall not exceed  
13 one dollar (\$1.00) for each license or permit issued; and  
14 provided further that no such fee shall be collected by the  
15 department of game and fish from the purchaser of a special  
16 license. "Special license" includes those licenses for the  
17 following species: antelope, elk, Barbary sheep, bighorn  
18 sheep, bison, oryx, ibex, gazelle and javelina.

19 D. ~~[Each]~~ A license collector shall remit to the  
20 director of the department of game and fish the statutory fee  
21 of all licenses and permits sold ~~[by him]~~ on or before the  
22 tenth day of the month following and shall by the same time  
23 report the number and kind of licenses issued.

24 E. Except as provided in Section 17-1-14 NMSA 1978,  
25 the director of the department of game and fish shall

underscored material = new  
[bracketed material] = delete

1 [forthwith] turn over all money so received to the state  
2 treasurer to be credited [by him] to the game protection fund.

3 F. The director of the department of game and fish,  
4 in the director's sole discretion, may authorize a refund of  
5 the amount of a hunting license fee from the game and fish  
6 suspense fund if:

7 (1) upon written application by the licensee,  
8 prior to the time of the hunt for which the license has been  
9 issued, the director finds that:

10 (a) the licensee has a disability, due  
11 to a verified injury or life-threatening illness, that  
12 prohibits the licensee from hunting during the period that the  
13 license is valid; or

14 (b) the licensee has been deployed by  
15 the military and the deployment prevents the licensee from  
16 traveling to the hunt during the period that the license is  
17 valid; or

18 (2) upon written application by a personal  
19 representative of a licensee's estate, the director finds that  
20 the licensee died prior to the time of the hunt for which the  
21 license was issued.

22 G. The director of the department of game and fish,  
23 in the director's sole discretion, may authorize a transfer of  
24 a hunting license:

25 (1) to the licensee's designee if, upon

underscored material = new  
[bracketed material] = delete

1 written application by the licensee, prior to the time of the  
2 hunt for which the license has been issued, the director finds  
3 that:

4 (a) the licensee has a disability, due  
5 to a verified injury or life-threatening illness, that  
6 prohibits the licensee from hunting during the period that the  
7 license is valid; or

8 (b) the licensee has been deployed by  
9 the military and the deployment prevents the licensee from  
10 traveling to the hunt during the period that the license is  
11 valid;

12 (2) to the designee of the licensee's estate  
13 if, upon written application by the personal representative of  
14 the licensee's estate, the director finds that the licensee  
15 died prior to the time of the hunt for which the license was  
16 issued; or

17 (3) upon written application by a licensee, to  
18 a nonprofit organization approved by the state game commission.

19 H. The state game commission may prescribe, by  
20 rule, the documentation necessary for a finding pursuant to  
21 Subsection F or G of this section."